

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FRANK GILBERT,

Plaintiff,

vs.

Civil Action 2:06-CV-749  
Judge Smith  
Magistrate Judge King

STATE OF OHIO, MIAMI COUNTY,

Defendant.

ORDER

On October 2, 2006, the United States Magistrate Judge issued a *Report and Recommendation* recommending that this action be dismissed for lack of jurisdiction. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

s/George C. Smith  
George C. Smith, Judge  
United States District Court